

SIKKIM

GOVERNMENT



GAZETTE

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GOVERNMENT OF SIKKIM
WOMEN AND CHILD DEVELOPMENT DEPARTMENT
LUMSAY, TADONG, GANGTOK

No. GOS/WCDD/2022/03

Dated: 22/07/2022

NOTIFICATION

Whereas, the State Government has deemed it expedient to prescribe guidelines for operating Old Age Homes for Senior Citizens and protection of life and property of Senior Citizens residing in various senior citizen homes in the State of Sikkim.

And whereas, Section 19 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 envisage provisions of at least one Old Age Homes in each district to accommodate in such homes a minimum of 150 (One hundred fifty) Senior Citizens who are indigent.

And whereas, the State Government has notified the Sikkim Maintenance and Welfare of Parents and Senior Citizens Rules, 2014 for carrying out the purpose of the said Act. According to rule 20 of the said rules all Old Age Homes in the State being run by the State Government or Non Government Organization with the help of the Government grants shall be liable to accommodate such Senior Citizens who are indigent or are referred for such accommodation.

Now therefore, with a view to achieve the above mentioned objectives, the State Government is pleased to prescribe the following guidelines, namely:-

OPERATIONAL GUIDELINES FOR OLD AGE HOMES

Chapter-I

OBJECTIVES

The objectives of these guidelines are to achieve these goals, namely-

- (1) To institute a mechanism for registration and regulation of all care homes for senior citizens in the state
- (2) To fix the eligibility criteria for Non-Governmental Organization to run care homes for the senior citizens, either on payment or non- payment basis.

- (3) To ensure certain minimum standards of facilities and quality of service in all care homes for senior citizens in the State.
- (4) To protect the life, property and other rights of senior citizens in the various care homes.
- (5) To ensure safety and security of the residents in the Home.
- (6) To monitor and evaluate the activities and services of the institutions or agencies running care homes for senior citizens.

Chapter-II

ELIGIBILITY CRITERIA TO RUN CARE HOME FOR SENIOR CITIZENS

The care home for senior citizen in Sikkim shall be run by the Government department or agencies or organisations. The eligibility criteria for running a care home for Senior Citizens shall be as under:

- (1) The organization shall be registered under the Notification No. 2602 A/H dated-25.03.1960 or Sikkim Regulation of Societies, Associations and other Voluntary Organisations Act, 2008.
- (2) The organization shall have a minimum 1 (one) year of experience in the activities relating to senior citizens.
- (3) The Organization should have a Trust Deed or Memorandum of Association, containing the aims and objectives in regard to Old Age Home.
- (4) The Organization shall have a properly constituted managing body with its powers, duties and responsibilities clearly defined and laid down in a written Constitution. It shall have an appropriate administrative structure and a duly constituted managing/ executive committee.
- (5) The organization is initiated and governed by its own members on democratic principles.
- (6) The Organization shall not run for profit to any individual or a body of individuals.
- (7) The Organization should possess proven credentials and capabilities to handle such projects.
- (8) The organization shall have transparency in its activities and transaction, and have published annual reports, audited statements and shall be available for the general public in print and electronic mode.
- (9) The organization shall have sound financial stability.
- (10) The organization shall have its own approved policies for recruitment and procurement.

Chapter-III

ADMISSION AND DISCHARGE

1. The following shall be the procedure for admission, namely:-
 - (1) Prior to admission to the old age home, the applicant shall be placed at First Stop Center which shall act as a transit home for atleast three months to determine the antecedents and eligibility of the applicant. The First Stop Center may be set up in Hospitals or Government or Semi- Government Institutions. The First Stop Center shall have a team

comprising of Police Personnel, Doctors, Psychologists and paid volunteers to look into the antecedents, physical or mental health of the applicant.

- (2) Any senior citizen who has attained the age of 60 years and above and is found to be indigent shall be eligible for admission to the old age home.
- (3) Residents of the home shall be selected in accordance with the procedures stated in sub-rule (3) and (4) of rule 21 of the Sikkim Maintenance and Welfare of Parents and Senior Citizen rules, 2014. This includes seeking applications by the management at appropriate intervals (at least once a year) from indigent Senior Citizens desirous of living in the home.
- (4) Illiterate and/or very infirm Senior Citizens may be admitted without any formal application if the District Magistrate or Sub-Divisional Magistrate is convinced that such a person is badly in need of a shelter.
- (5) Where there is limitation of space, other things remaining the same, priority shall be given to eligible applicants who are more indigent and needy, those who are older and those who are female.
- (6) Application for admission in old age home shall be made in Form-I. Details of admission should be registered in the Admission Register on the day of admission.
- (7) Each application should be filed separately.
- (8) If the application is rejected, this matter should be entered in the Register and on the application and the matter may be closed.
- (9) Necessary entries may be made in the Application and Admission Register accordingly.
- (10) If for any reason, admission is refused, the applicant should be immediately removed from the institution and the matter should be recorded in the admission register.
- (11) The Social Welfare Officer should examine the admissions and the rejection of application. If he/she finds reason unsatisfactory, he shall take corrective steps accordingly.
- (12) If the applicant has valuables including money or other valuables with him/her, same should be entrusted to the Superintendent for safe custody and the matters should be recorded in the Security Register as well.

2. The following shall be the procedure for discharge, namely:-

- (1) Any discharge of a person admitted in care home shall be made on the written request of the person or his genuine relatives.
- (2) No Care Home shall compel a resident to remain in the Care Home against the will of the concerned resident.
- (3) Every discharge shall be reported to the Station House Officer of the Police Station having jurisdiction over the place of the Care Home.
- (4) The intimation of discharge shall also be given to the person or authority on whose recommendation the admission was made.
- (5) The details of discharge shall be recorded in the discharge register properly.

Chapter-IV

OPERATIONAL STANDARDS

The Operational Standards for Old Age Home shall be as under, namely:

Operational standards

- (1) Supply of nutritious and wholesome diet as per scale to be fixed by the State Government.
- (2) Adequate clothing and linen for the inmates, including the clothings for the winter season shall be made available.
- (3) Adequate arrangement for sanitation, hygiene and watch and ward or security shall be made.
- (4) Arrangement with the nearest Government hospitals for emergency medical care and with the nearest Police Stations for security requirements shall be made.
- (5) The ambience of old age home should be as per the prescribed schedule under rule 21 of the Sikkim Maintenance and Welfare of Parents and Senior Citizens rules, 2014.

Chapter-V

HUMAN RESOURCE REQUIREMENT

Every Home shall have trained staff with skill and preparedness, appropriate to meet the assessed needs of residents. The record of the staff is to be maintained properly along with the day to day attendance. Each Home shall have the following minimum staff appointed to provide services-

Sl. No	Designation	Requisite Qualification	Responsibility (s)
1	Superintendent	Graduate preferably in Social Work or Sociology or Degree/Diploma course in Geriatrics or Retired person from the field of any geriatrics care service, health care, social disability care, education with experience.	Shall have the authority and overall responsibility of administration of the Home.
2	Medical Officer (part-time)	Registered practitioner of any system of medicine, preferably having experience in geriatric health care.	Shall visit the Home once in a month or more as per requirement and examine the health of the residents and prescribe the medicine accordingly.
3	Counselor/ Psychologist (part-time)	Post graduate in Psychology or Social Work or Diploma in counseling or Degree with Diploma in Counseling from recognized institution.	Shall visit once in a week or more as per requirement. He shall provide counseling to those who are having tensions, mental strain, psychological problems, critical situations.

4	Nurse	B.Sc or Diploma in Nursing with training geriatric health care or retired hands from nursing profession.	To maintain the record of medical health of the resident and provide the medicines as per the prescription of the Doctor.
5	Care-giver (one male and one female)	Any Care-giver certificate course from the recognized institution or having experience of one year working in geriatric care institutions.	He shall assist the residents with personal care, bathing and grooming, dressing, toileting and exercise.
6	Cook	Literate and good physical condition.	To prepare food and distribute it to the residents on time. A proper diet chart to be maintained.
7	Watchman/ Security Guard (at least 2 nos)	Literate and good physical condition.	To provide 24 hours security service to the Home.
8	Peon/Helper	Literate and good physical condition.	He shall assist in every activities of the Home.

2. Training of staff

Most of the old age Homes are managed by people who have no experience in running a Home. Unless the employees are trained in modern ways of managing an old age home, the work of management will still remain custodial. Therefore, every Home should develop its own staff training and capacity development policies that fulfill the aims and objectives of the service. Attending training programme shall be made compulsory to all staff members. The State Government shall also provide training routinely.

Chapter-VI PROTECTION OF RIGHTS

- (1) The residents should be provided with all the facilities which enable them to exercise all the rights envisaged in the Maintenance and Welfare of Parents and Senior citizen Act and Rules. Section 4 of Act provides that a senior citizen or parent unable to maintain himself/herself may make an application for maintenance to the Maintenance Tribunal. Such applications are to be filed in the case of parent or grandparent against one or more of his children and in the case of childless senior citizen against the relative who under law would inherit his property.
- (2) No residents should feel to have been detained within the home premises but should be free to move out of Home for reasonable hours and maintain contact with public without detriment to the accepted discipline and rules of the Home.
- (3) The information about the residents should be handled appropriately with due respect and dignity.
- (4) The Home shall not have right to publish the photographs or other identity of the residents with the intention of eliciting compassion or raising fund which may lower the self-esteem of the residents.

- (5) There shall be complaint box installed in the Home by the governing body of the Home. The residents should be able to complain if they are unhappy with any aspects of their living in the Home. The complaints shall be properly attended to within stipulated time.
- (6) All allegation and incidents of abuse shall immediately be reported to Police and copies to be forwarded to the District Collector and District Social Welfare Officer and the action taken to be recorded accordingly.
- (7) In case of death of the resident, family members or relatives are to be informed immediately. Every death to be reported to the Police, competent authority and District Social Welfare officer. The death of the resident shall be handled with dignity and propriety. The spiritual needs, rites and functions relating to religion, caste and community shall be observed.

Chapter-VII

SAFETY AND SECURITY

Most senile citizens seek admission in old age home because of the circumstances which persuaded them such as insecurity caused by being abandoned by the family, being abused, being alienated from near and dear ones and being estranged by society, starvation etc. Therefore, the primary objectives for establishment of the Home should be:

- (1) to provide safety and security to the residents. The authorities running an old age home should visualize all these and make provision in the home accordingly.
- (2) Every precautionary measures should be adopted well on time in order to avoid unnecessary circumstances.
- (3) The switches and power points should be fixed sufficiently high.
- (4) If there is more than one floor, the older inmate should be accommodated on the ground floor.
- (5) If they have to be moved upstairs, convenient ramps should be constructed.
- (6) There should be First Aid Boxes in the old age home.
- (7) Residents and staff should be sensitized on old age related accidents like falling, slipping, spraining, choking, burning etc.
- (8) The phone numbers of the nearest hospitals and fire stations should be exhibited in the prominent place in the home.
- (9) Employees should be given instructions on immediate measures to be taken if any untoward incident occurs in the Home.

Chapter-VIII

PROTECTION OF LIFE AND PROPERTY

- (1) Money and other valuables entrusted for safe custody by the resident must be secured and properly recorded in the Security Register.
- (2) The physical verification of the property on regular interval is essential in order to ensure the satisfaction of the resident.

- (3) The authority of the Home shall not have any right or authority over the money or property belonging to the resident staying in the Home.
- (4) Old age home shall not have any right to demand or collect any money or property or anything else either in the form of deposit, gift, donation, fee from the resident other than what is specifically agreed upon in writing before admission in the Home.
- (5) Any fee, deposit, gift collected from the resident should have proper receipt and appropriately accounted for by the authority of the Home.
- (6) In the event of death of the resident during the stay at a Home, any money, property or anything else deposited in safe custody with the Home shall be returned to the heirs or nominees as the case may be, in accordance with the recording in the History record or will, deed or other document at the time of death. In the absence of such documents, it shall go to the legal heirs.

Chapter-IX

FINANCIAL MANAGEMENT

To enable a proper watch on the finances:

- (1) The old age home shall maintain all the transactions, receipts, cash books, Statement of Account, cash register, expenditure statement etc., properly.
- (2) Reconciliation of figures shall be done by the old age home with the department biannually against any sanctioned grants-in-aid received by the home from the State Government.
- (3) Certified and authenticated Utilization Certificates shall be submitted by the old age home in prescribed format within the stipulated time period.
- (4) The old age home shall arrange to have their books of accounts audited annually by an independent Chartered Accountant and they shall submit the report whenever it is called upon to do so by the department. The home shall also arrange to carry out the Internal Audit and furnish the report to the State Government on a regular basis.

Chapter-X

INSPECTION, RECORD KEEPING AND MONITORING

1. Inspection-

Inspection is an essential part of the working of any organization. It ensures that the organization achieves the targeted objectives promptly. It makes the workers more alert in their duties and gives assurance of good performance of the institution to the inmates. The following authorities are competent to inspect senior citizen home run by Government or by Non-Government Organizations-

- (1) Official of Social Justice and Welfare Department.
- (2) Police official authorized by the District Police Chief.
- (3) Any officer authorized by the District Collector.
- (4) Official from Health and Family Welfare Department authorized by the District Medical Officer.

- (5) Official from Audit Department, if grant is recommended from the Government.
- (6) Officials authorized by Sikkim State Legal Services Authority.

Inspecting officials shall keep any confidential information relating to resident confidential.

2. Record keeping-

Every Old Age Home shall maintain the following records and registers and produce for inspection at any place and time required by the competent authority or inspecting authority.

- (1) Application register.
- (2) Admission Register.
- (3) Attendance Register.
- (4) General Stock Register.
- (5) Register of Visitors.
- (6) Movement Register.
- (7) Security Register.
- (8) Cash book.
- (9) Salary Bill Register.
- (10) Telephone Register.
- (11) Property Register.
- (12) Inspection register.

- (1) **Application Register:** - This consists of records of applications for admission, directives, orders, serialized for every year.
- (2) **Admission Register:**-This is a register of those who have secured admission in the institution.
- (3) **Attendance Register:**-Separate attendance register have to be maintained on daily basis for the inmates/ residents and the staff.
- (4) **General Stock Register:**-All items bought by the institution like food materials, clothes, vessels, medicines, etc have to be entered in this register.
- (5) **Register of Visitors:**-This document shall register the names with details of visitors who come to the institution to visit inmates.
- (6) **Movement Register:**-For recording movement of residents.
- (7) **Security Register:** - This is a register containing records of valuables received for safe custody from inmates.
- (8) **Cash book and Salary Bill Register:**-The office should maintain cash book and salary bill register properly.
- (9) **Telephone Register:**-Calls of those residents who use office phone for calling relatives will be recorded in this Register.
- (10) **Property Register:**-Details of land and building owned by the institution shall be recorded in this register.

- (11) **Inspection register:** - This register shall maintain record of the visits and inspection reports made by the superior officers who visit the institution. It shall also record the Minutes of monthly review meetings, quarterly meetings and details of the managing committee.

3. Other records to be maintained-

- (1) **History File of Residents-** This file should contain all details about the resident except medical history. In particular, it should contain application for admission, interview letter and order giving admission. Social Investigation report of the resident. Details provided by the applicant at the time of admission. Other important records relating to the resident.
- (2) **Medical Records File-** Details of treatment given to the resident have to be kept separately such as:
- (a) Medical Examination Report at the time of admission;
 - (b) Disability certificate issued by a doctor;
 - (c) All reports of medical examinations;
 - (d) Prescriptions given by the doctor or any other medical records.
- (3) **Care Plan and Summary Note:** There shall be a care plan for every resident. These are to be kept by the social worker or psychologist. They should be conveniently stored for easy reference and recall.

4. Monitoring mechanism-

- (1) **Managing Committee** - Every Old Age Home shall have its own Home Managing Committee which shall meet at regular intervals. They shall ensure that the care and services are in accordance with these guidelines and other orders in force. The committee shall ensure the overall smooth function of the institution and optimum welfare of each and every residents.

Periodical review of performance is an important aspect of an institution's healthy life. The review should assess the progress of the institution, the problems faced, the solutions evolved and the overall performance of the institution. Through these reviews the higher authorities could exercise better control of the institution and point out the handicaps and see that the institution takes corrective measures. The institution should prepare Annual Report that will consist of the state of the art of the institution and activities conducted during the previous year with statistics. The programmes of the institution should be subject to social audit.

- (2) **District Committee-** The District Committee for Senior Citizens constituted under rule 25 of the Sikkim Maintenance and Welfare of Parents and Senior Citizen rules, 2014 shall review and evaluate the functioning of all the Old Age Home in every district regularly.

Ganga D. Pradhan, (IAS)
Secretary

APPENDIX-I

FORM-I

Application for admission in Old Age Home..... (rule 20 and sub-rule (3), (5), (6) of rule 21 of Maintenance and Welfare of Parents and Senior Citizen Rules, 2014).

To

The District Collector cum Magistrate/Sub- Divisional Magistrate
East Sikkim
Gangtok

Sir,

I would like to request you to kindly make an arrangement to admit me in Old Age Home. I am furnishing the following details for information and consideration, please.

A. Personal Details of the Applicant.

(i) Name:	
(ii) Sex (Male/Female):	
(iii) Name of Father/Husband:	
(iv) Marital Status:	
(v) Date of Birth/Age:	
(vi) Contact No:	

Complete Postal Address

a) House No:	
b) Block:	
c) Panchayat Unit/Ward:	
d) Municipal Ward (if Urban):	
e) District:	
f) Constituency:	
g) Nationality:	

B. If the applicant indigent

(i) Name of the person with whom he has been staying last.	
(ii) Indigent certificate/Registration No. issued by Tribunal. Constituted Not:3/SJ&WD dated: 18/12/2011	
(iii) Name of Sub Division:	
(iv) District:	
(v) A copy of order passed by concerned Tribunal.	

C. If the applicant is being introduced by his/her master

(i) Name of Master:	
(ii) Complete Address of Master	
(a) House No:	
(b) Block:	
(c) Panchayat Unit/Ward:	
(d) Municipal Ward:	
(e) Contact no:	
(f) Amount of maintenance awarded by Tribunal, to be paid monthly, in old age home towards maintenance of indigent person:	

D. If the applicant is Vagabond

(i) Verification Order passed by Tribunal having jurisdiction with date:	
(ii) Reasons of being Vagabond:	
(iii) Details of introducer:	
a) Full Name:	
b) Contact No:	
Government Organization Address:	
Non- Government Organization Address:	
Individual/Address:	

Verification

I do hereby verify that the statement made above by me are true to the best of my knowledge and belief and thereafter, I affixed my signature here under.

Applicant Signature

Witness

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